



Atty Dkt No. 2000-1087

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PATENT

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Date

Signature

1/15/97 Marilyn B. McKenna

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

COWGILL et al.

Serial No.: 08/477,984

Group Art Unit: 1811

Filing Date: June 7, 1995

Examiner: P. Lynn Touzeau

Title: METHODS FOR PURIFYING AUTHENTIC IGF FROM YEAST HOSTS

TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

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JAN 31 1997

GROUP 1800

Sir:

Transmitted herewith for filing is a Response to Requirement for Restriction mailed December 23, 1996. No fee is due.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-0580. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

By:

Roberta L. Robins

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Atty Dkt 2300-1087
PATENT

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RESPONSE TO RESTRICTION REQUIREMENT

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GROUP 1800

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Supplemental Restriction Requirement dated December 23, 1996. As explained by the Examiner in a telephone message to the undersigned on December 31, 1996, the Supplemental Restriction Requirement is intended to supersede the original Restriction Requirement mailed September 16, 1996 and no response to the original Restriction Requirement is needed.

The Examiner, in the Supplemental Restriction Requirement, required applicants to elect one of the following groups of claims for prosecution at this time:

Group I, claims 1-18, drawn to methods for producing properly folded insulin-like growth factor (IGF) polypeptides;

Group II, claims 19-25, directed to methods for refolding IGF polypeptides;

Group III, claims 26-27, directed to IGF compositions; and

Group IV, claims 28-46, drawn to processes for purifying IGF-I.

Applicants hereby elect to prosecute the claims of Group I, claims 1-18, with traverse. In particular, applicants believe that the claims of Groups I, II and III should be examined together. The claims of Group I, claims 1-18, are directed to methods of producing properly folded insulin-like growth factor (IGF) polypeptides. Claims 7-9 of Group I pertain to denaturation and renaturation steps that accomplish refolding. Thus, a search of the subject matter of Group I would likely turn up art directed to the claims of Group II, directed to methods for refolding IGF polypeptides. Similarly, applicants believe that the claims of Group III should also be examined with those of Groups I and II. In this regard, claim 26 pertains to an IGF composition produced by the method of claim 25 (from Group II) and claim 27 pertains to an IGF composition having the purity recited in claims 25 (dependent on claim 1) and 26. Thus, a search of the subject matter of the claims of Groups I and II would also be expected to turn up art related to the claims of Group III.

Moreover, the claims of Group IV should be considered along with those of Groups I, II and III since no additional burden would be placed on the Examiner by doing so. The Examiner's attention is directed to MPEP 803 which states:

"If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."
(Emphasis added).


Applicants submit that an examination of all of the groups of claims together, or at the very least Groups I, II and III, would not impose a serious burden on the Examiner. Indeed, it is believed that failure to examine the groups together would pose a far greater burden on the Patent and Trademark Office by requiring a duplication of effort and resources. Applicants, therefore, respectfully request the Examiner to reconsider the Restriction Requirement.

Applicants expressly reserve their right under 35 USC §121 to file divisional applications directed to the nonelected subject matter during the pendency of this application.

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Examination of the elected subject matter on the merits is respectfully
requested.

Respectfully submitted,

By: 
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